

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDWARD V. RAY,  
Plaintiff,

v.

CAESAR BASA, et al.,  
Defendants.

Case No. [11-cv-02923-YGR](#) (PR)

**ORDER REVOKING *IN FORMA*  
*PAUPERIS* STATUS**

This closed federal civil rights action was filed by a *pro se* state prisoner. Summary judgment was granted in favor of Defendants, and judgment entered on March 27, 2015. Dkts. 72, 73. On March 24, 2016, the Ninth Circuit Court of Appeals affirmed this Court's ruling. Dkt. 77. The mandate issued on September 16, 2016. Dkt. 79.

On November 23, 2016, this Court denied Plaintiff's motions for relief from judgment. Dkt. 82.

On December 16, 2016, Plaintiff filed another Notice of Appeal. Dkt. 83.


The Ninth Circuit has referred the matter to this Court for a determination whether Plaintiff's *in forma pauperis* ("IFP") status should continue for this appeal. This Court determines that it should not. There are no valid grounds on which an appeal can be based. Consequently, the Court certifies that any appeal taken from its March 27, 2015 Order Granting Defendants' Motion for Summary Judgment and from the accompanying judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674-75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly, Plaintiff's IFP status is hereby REVOKED.

The Clerk of the Court shall forthwith notify Plaintiff and the Ninth Circuit of this Order. See FRAP 24(a)(4). Plaintiff may file a motion for leave to proceed IFP on appeal in the Ninth

Circuit within **thirty (30) days** after service of notice of this Order. *See* FRAP 24(a)(5). Any such motion “must include a copy of the affidavit filed in the district court and the district court’s statement of reasons for its action.” *Id.*

IT IS SO ORDERED.

Dated: February 8, 2017

  
YVONNE GONZALEZ ROGERS  
United States District Judge

United States District Court  
Northern District of California